BLOGS

Passage-Based MCQ’s on Constitutional Laws for CLAT PG [Part 10]

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Article 14 of the Constitution of India is a facet of equality of status and opportunity spoken of in the Preamble to the Constitution. The Article naturally divides itself into two parts:(1) equality before the law, and (2) the equal protection of the law. Judgments of this Court have referred to the fact that the equality before law concept has been derived from the law in the U.K., and the equal protection of the laws has been borrowed from the 14th Amendment to the Constitution of the United States of America. In a revealing judgment, Subba Rao, J., dissenting, in ***State of U.P. v. Deoman Upadhyaya***, further went on to state that whereas equality before law is a negative concept, the equal protection of the law has positive content.

The early judgments of this Court referred to the “discrimination” aspect of Article 14, and evolved a rule by which subjects could be classified. If the classification was intelligible having regard to the object sought to be achieved, it would pass muster under Article 14’s anti-discrimination aspect. Again, Subba Rao, J., dissenting, in ***Lachhman Das v. State of Punjab***, warned that overemphasis on the doctrine of classification or an anxious and sustained attempt to discover some basis for classification may gradually and imperceptibly deprive the Article of its glorious content. He referred to the doctrine of classification as a subsidiary rule evolved by courts to give practical content to the said Article.

In the pre-1974 era, the judgments of this Court did refer to the rule of law or positive aspect of Article 14, the concomitant of which is that if an action is found to be arbitrary and, therefore, unreasonable, it would negate the equal protection of the law contained in Article 14 and would be struck down on this ground. In ***S.G. Jaisinghani v. Union of India***, this Court held that the absence of arbitrary power is the first essential of the rule of law upon which our whole constitutional system is based. In a system governed by rule of law, discretion, when conferred upon executive authorities, must be confined within clearly defined limits. The rule of law from this point of view means that decisions should be made by the application of known principles and rules and, in general, such decisions should be predictable and the citizen should know where he is.

If a decision is taken without any principle or without any rule it is unpredictable and such a decision is the antithesis of a decision taken in accordance with the rule of law. Where discretion is absolute, man has always suffered. It is in this sense that the rule of law may be said to be the sworn enemy of caprice. Discretion must mean sound discretion guided by law. It must be governed by rule, not by humour; it must not be arbitrary, vague and fanciful.

It is, therefore, clear from a reading of even the aforesaid judgments that Article 14 has been referred to in the context of the constitutional invalidity of statutory law to show that such statutory law will be struck down if it is found to be arbitrary. The test of manifest arbitrariness would apply to invalidate legislation as well as subordinate legislation under Article 14. Manifest arbitrariness must be something done by the legislature capriciously, irrationally and/or without adequate determining principle. When something is done which is excessive and disproportionate, such legislation would be manifestly arbitrary

Extract adapted from Joseph Shine vs Union of India, 2018

Q1. The modern understanding that arbitrariness itself violates Article 14 even without hostile discrimination was most authoritatively articulated in which decision?

A. State of West Bengal v. Anwar Ali Sarkar
B. E.P. Royappa v. State of Tamil Nadu
C. R.K. Garg v. Union of India
D. A.K. Gopalan v. State of Madras

Q2. The doctrine of "manifest arbitrariness" as a ground to invalidate legislation under Article 14 was explicitly crystallised in:

A. Shayara Bano v. Union of India
B. Minerva Mills v. Union of India
C. Maneka Gandhi v. Union of India
D. I.R. Coelho v. State of Tamil Nadu

Q3. Which constitutional amendment most significantly strengthened the relationship between equality and social justice under Articles 14 and 15?

A. 24th Constitutional Amendment
B. 42nd Constitutional Amendment
C. 44th Constitutional Amendment

D. 86th Constitutional Amendment

Q4. The classification doctrine under Article 14 requires that classification must satisfy which two conditions?

A. Rational nexus and legislative competence

B. Intelligible differentia and rational nexus

C. Reasonable restriction and proportionality

D. Legislative object and executive discretion

Q5. Which of the following cases first expanded Article 21 beyond mere physical liberty and linked it structurally with Articles 14 and 19?

A. Maneka Gandhi v. Union of India

B. ADM Jabalpur v. Shivkant Shukla

C. Kharak Singh v. State of UP

D. Golaknath v. State of Punjab

Q6. The idea that "rule of law is the sworn enemy of caprice", often cited in Article 14 jurisprudence, primarily reflects which constitutional principle?

A. Parliamentary sovereignty

B. Limited government through legal restraint

C. Federal autonomy

D. Judicial supremacy

Q7. Which constitutional principle explains why Article 14 jurisprudence has evolved from classification doctrine to arbitrariness review?

A. Transformative constitutionalism

B. Originalism

C. Constitutional silence

D. Judicial restraint

Q8. Which case most strongly emphasised that constitutional morality must prevail over social morality in protecting individual autonomy under Articles 14 and 21?

A. Navtej Singh Johar v. Union of India

B. Indra Sawhney v. Union of India

C. State of Kerala v. N.M. Thomas

D. Keshavananda Bharati v. State of Kerala

Q9. Which of the following constitutional principles best explains why gender stereotypes may invalidate legislation under Article 14?

A. Procedural due process

B. Substantive equality

C. Parliamentary privilege

D. Constitutional convention

Q10. Which constitutional doctrine allows courts to invalidate legislation that is disproportionate or excessive even if classification exists?

A. Doctrine of eclipse

B. Doctrine of proportionality

C. Doctrine of prospective overruling

D. Doctrine of severability

Q11. Which case held that privacy is a facet of dignity and liberty under Article 21 and is closely linked to equality under Article 14?

A. K.S. Puttaswamy v. Union of India

B. Maneka Gandhi v. Union of India

C. Minerva Mills v. Union of India

D. Kesavananda Bharati v. State of Kerala

Q12. Which constitutional amendment inserted Article 15(5) enabling reservation in private educational institutions?

A. 86th Amendment

B. 93rd Amendment

C. 97th Amendment

D. 102nd Amendment

Q13. Which case recognised that arbitrariness in state action itself is antithetical to equality under Article 14?

A. E.P. Royappa v. State of Tamil Nadu

B. State of Madras v. Champakam Dorairajan

C. Minerva Mills v. Union of India

D. S.R. Bommai v. Union of India

Q14. Which constitutional value most strongly links Articles 14, 15 and 21 together in modern rights jurisprudence?

A. Procedural formalism

B. Individual dignity

C. Executive accountability

D. Federal balance

Q15. Which of the following developments most clearly illustrates the expansion of equality jurisprudence into the domain of personal autonomy?

A. Decriminalisation of adultery in Joseph Shine

B. Introduction of the Ninth Schedule

C. Abolition of privy purses

D. Introduction of GST

Answers

1. Correct Answer: B — E.P. Royappa v. State of Tamil Nadu

Explanation: Royappa fundamentally changed Article 14 jurisprudence by holding that equality and arbitrariness are sworn enemies. Any arbitrary state action automatically violates Article 14, even without explicit discrimination.

2. Correct Answer: A — Shayara Bano v. Union of India

Explanation: In *Shayara Bano* (Triple Talaq case), the Supreme Court articulated the manifest arbitrariness test. A law is unconstitutional if it is capricious, irrational, or lacks adequate determining principle.

3. Correct Answer: B — 42nd Constitutional Amendment

Explanation: The 42nd Amendment (1976) strengthened the welfare state orientation of the Constitution and reinforced the interplay between equality and social justice.

4. Correct Answer: B — Intelligible differentia and rational nexus

Explanation: Under classical Article 14 doctrine, classification must satisfy two tests: Intelligible differentia and Rational nexus with legislative objective

5. Correct Answer: A — Maneka Gandhi v. Union of India

Explanation: Maneka Gandhi transformed Article 21 by holding that procedure established by law must be fair, just and reasonable, linking Articles 14, 19 and 21 into the "Golden Triangle."

6. Correct Answer: B — Limited government through legal restraint

Explanation: The rule of law limits arbitrary power and requires that state action be guided by legal principles rather than personal discretion.

7. Correct Answer: A — Transformative constitutionalism

Explanation: Indian constitutional interpretation has evolved dynamically to expand rights protections. The move from classification to arbitrariness review reflects this transformative approach.

8. Correct Answer: A — Navtej Singh Johar v. Union of India

Explanation: The Court held that constitutional morality must prevail over majoritarian morality, ensuring protection of LGBTQ rights under Articles 14, 15 and 21.

9. Correct Answer: B — Substantive equality

Explanation: Modern equality jurisprudence rejects laws based on stereotypical assumptions about gender roles.

10. Correct Answer: B — Doctrine of proportionality

Explanation: Proportionality allows courts to invalidate laws that are excessive or disproportionate even if classification exists.

11. Correct Answer: A — K.S. Puttaswamy v. Union of India

Explanation: The Court held that privacy flows from dignity and liberty, making it part of Article 21 while also reinforcing equality under Article 14.

12. Correct Answer: B — 93rd Amendment

Explanation: The 93rd Amendment (2005) inserted Article 15(5), enabling reservation in private educational institutions.

13. Correct Answer: A — E.P. Royappa v. State of Tamil Nadu

Explanation: Royappa established that arbitrary state action violates equality, shifting Article 14 away from rigid classification doctrine.

14. Correct Answer: B — Individual dignity

Explanation: Modern constitutional jurisprudence sees dignity as the unifying value connecting equality, liberty, and personal autonomy.

15. Correct Answer: A — Decriminalisation of adultery

Explanation: In Joseph Shine, the Court struck down Section 497 IPC as manifestly arbitrary and violative of dignity, equality and autonomy.